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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,577	12/08/2003	John F. Murray	1014-056	3047

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EXAMINER

LE, DANH C

ART UNIT PAPER NUMBER

2617

MAIL DATE DELIVERY MODE

01/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/730,577

**Applicant(s)**

MURRAY ET AL.

**Examiner**

DANH C. LE

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 and 17-27 is/are allowed.
- 6) ☒ Claim(s) 10-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

**SET I**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**1. Claims 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop (US 6,377,782) in view of Schweickart (US 6,252,883).**

As to claim 10, Bishop teaches a method of distributing broadband signals within a premises (figures 2-4 and their descriptions), comprising the steps of:

packetizing incoming broadband signals at a first frequency into RF frequency signals;

modulating the packetized RF frequency signals at a second frequency; and  
Bishop fails to teach providing the packetized and modulated IF frequency signals to in-premises cabling for distribution to signal radiation devices located within the premises. Schweickart teaches providing the packetized and modulated IF frequency signals to in-premises cabling for distribution to signal radiation devices located within the premises (figure 9 and col.5, lines 57-col.6, lines 8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Schweickart into the system of Bishop in order to deliver data service directly to individuals through the mobile or portable devices.

As to claim 11, Bishop teaches the method of claim 10, further comprising a step of:

transmitting the RF frequency signals on cabling used within the premises for cable television signal distribution (figures 5-8 and their descriptions).

As to claim 12, Bishop teaches the method of claim 10, further comprising a step of using the signal radiation devices to radiate the RF frequency signals, the signal radiation devices comprising radiative antennas coupled to the cabling near receiving equipment (figures 5-8 and their descriptions).

As to claim 12, the combination of Bishop and Schweickart teaches further comprising a step of using the signal radiation devices to radiate the RF frequency signals, the signal radiation devices comprising a leaky cable of the in-premises cabling (figure 9 and col.5, lines 57-col.6, lines 8).

As to claim 14, Bishop teaches the method of claim 10, further including a step of:

supplying the broadband signals by external cable (figures 5-8 and their descriptions).

As to claim 15, Bishop teaches the method of claim 10, further including a step of:

supplying the broadband signals by fixed wireless (figures 5-8 and their descriptions).

As to claim 16, Bishop teaches the method of claim 10 (figures 5-8 and their descriptions), further including a step of:

supplying the broadband signals by DSL.

**SET II**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2. Claims 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop (US 6,377,782) in view of Ahmed (US 6,519,773).**

As to claim 10, Bishop teaches a method of distributing broadband signals within a premises (figures 2-4 and their descriptions), comprising the steps of:

packetizing incoming broadband signals at a first frequency into RF frequency signals;

modulating the packetized RF frequency signals at a second frequency; and

Bishop fails to teach providing the packetized and modulated IF frequency signals to in-premises cabling for distribution to signal radiation devices located within the premises. Ahmed teaches providing the packetized and modulated IF frequency signals to in-premises cabling for distribution to signal radiation devices located within the premises (col.7, lines 12-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Ahmed into the system of Bishop in order to deliver data service directly to individuals through the mobile or portable devices.

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***Allowable Subject Matter***

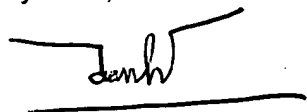
Claims 1-9, 18-27 are allowed as stated in the Applicant's remarks on pages 16-37.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



January 7, 2007

DANH LE

PRIMARY EXAMINER